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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

OCT 24 2003

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
M2 DEVELOPMENT CORP. dba FAMOUS SAM'S
8 FOR THE CANCELLATION OF THE
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE CUSTOMER-OWNED
PAY TELEPHONE SERVICE IN THE STATE OF
ARIZONA.

DOCKET NO. T-02816A-03-0571

DECISION NO. 66451

ORDER

Open Meeting
October 21 and 22, 2003
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. M2 Development Corp., dba Famous Sam's #8 ("Applicant") has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona pursuant to Decision No. 59000 (February 24, 1995).

2. On August 14, 2003, Applicant filed with the Commission an application for the cancellation of the Certificate, indicating that it no longer provides COPT service in the State of Arizona.

3. On August 22, 2003, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending approval of the application to cancel Applicant's Certificate without a hearing.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the

1 application.

2 3. The cancellation of Applicant's Certificate is in the public interest.

3 4. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT
4 Certificates without a hearing.

5 5. Staff's recommendation in Findings of Fact No. 3 is reasonable and should be
6 adopted.

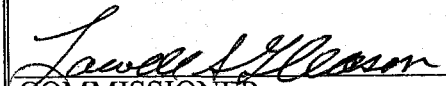

7 **ORDER**

8 IT IS THEREFORE ORDERED that the application of M2 Development Corp, dba Famous
9 Sam's #8 for the cancellation of the Certificate of Convenience and Necessity to provide customer-
10 owned pay telephone service shall be, and is hereby, approved.

11 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

12 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

13   
14 CHAIRMAN COMMISSIONER COMMISSIONER

15  
16 COMMISSIONER COMMISSIONER

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18 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
19 Secretary of the Arizona Corporation Commission, have
20 hereunto set my hand and caused the official seal of the
21 Commission to be affixed at the Capitol, in the City of Phoenix,
22 this 24th day of October, 2003.

23 
24 BRIAN C. McNEIL
25 EXECUTIVE SECRETARY

26 DISSENT _____

27 DISSENT _____

28 AP:mj

1 SERVICE LIST FOR:

M2 DEVELOPMENT CORP., DBA FAMOUS SAM'S #8

2 DOCKET NO.:

T-02816A-03-0571

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